

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Randall E. Lucas,)
Plaintiff,) Civil Action No. 04-60J
v.) Judge Kim Gibson
Defendants.) Magistrate Judge Lisa Pupo Lenihan

United States Bureau of Prisons
and its Employees, et al

ORDER

Plaintiff has filed a "Motion to Order the U.S. Marshal to Serve Process to Some Defendants in Person, or Find Them to Serve Them With Process" (Doc. No. 39) on April 19, 2007. He states that service of process was returned un-executed as to eight of the defendants in this case, one of which, specifically Defendant D. Kostyl, was due to use of an incorrect address. While the Court would like to see all defendants served as expeditiously as possible in all cases, it is the responsibility of the Plaintiff, not the United States Marshals Service, to provide correct addresses for each defendant to ensure service is effectuated properly. Should Plaintiff not have knowledge of where to serve certain defendants, he is free to pursue this information in discovery. The Court does note, however, Plaintiff does provide a correct address for Defendant D. Kostyl. Therefore,

IT IS ORDERED this 3rd day of MAY, 2007, that Plaintiff's "Motion to Order the U.S. Marshal to Serve Process to Some Defendants in Person, or Find Them to Serve Them With Process" (Doc. No. 39) filed on April 19, 2007, is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of Court prepare a summons and U.S.

Marshal 285 form to effectuate service as to Defendant D. Kostyl utilizing the address provided by the Plaintiff.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.



Lisa Pupo Lenihan
United States Magistrate Judge

cc: Randall E. Lucas
42015-061
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